

## REMARKS

Previously, claims 1-11 were pending. After applicant has reviewed the office action from the examiner, the claims have been amended. In this office action, claims 1, 5, 7, and 9 are amended, and claims 2, 3, 4, 6, 8, 10, and 11 remain the same.

The claims of this application have been amended so as to focus more accurately upon the subject matter of this invention, comprising a remotely operated sealable tank cover secured at two radial locations. Claim 1 is amended to include radial locations for the locking members and locking flanges. Claim 7 is amended to include a radially located locking assembly and to correct grammar. Grammar is also corrected in claims 5 and 9.

In addition claims 12, 13, 14, and 15 have been added to the application. Claims 12, 13, 14, and 15 are believed to contain allowable subject matter. Claim 12 augments claim 1 with symmetric locking members upon the side wall of the shell and radial locking flanges. Claim 13 locates the locking members and locking flanges symmetric to a centerline of the cover. Claim 14 locates the locking members and locking flanges upon forty five degree lines through the center of the hatch on both sides of the centerline. Claim 15 locates the locking members and locking flanges opposite the arms that rotate the cover in conjunction with the mounting flange.

The examiner has cited the patent to Sieben et al. patent No. 4,854,076, for showing a remotely controlled piston actuated tank car hatch.

The examiner then further cited the patent to Morsch, patent No. 6,053,348, for showing a remotely controlled pivoting cover having an inflatable seal on the underside of the cover.

First, the Sieben et al. reference shows a remotely operated hatch cover. Nothing in Sieben et al. describes or suggests two or more latch means 34 nor an underside seal. In fact, the Sieben et al. hatch cover discloses a piston 27,

cam plates 29 having slots 30, and a single latch 34 so gravity assists in rotating the cover while the applicant applies power to rotate a cover through the complete range of motion and uses two radially spaced locking members.

Second the Morsch reference shows a pivoting and sealing cap for a large container, or tank. There is nothing in Morsch that suggests two clamps 16 operating independent of the rotating bolt 26. Morsch has two passive clamps 16 joined to the circular plate 20 that engage the skirt 12 when the circular plate 20 is pivoted parallel to the opening in the tank. When the plate 20 moves, the clamps 16 move but, the clamps 16 do not move separately. Further, the clamps 16 have a fixed cross section that surrounds but does not compress the edges of the circular plate 20 and the skirt 12. Morsch utilizes inflation of the seal 22 to compress the edge of the circular plate 20 upon the skirt 12. Meanwhile, the applicant utilizes a sloped detent 45 in the arms 43 of the locking flanges 41 to compress the cover upon the weld ring without seal inflation. The applicant inflates a seal to fill any remaining gaps between the weld ring and the cover after closure of the cover.

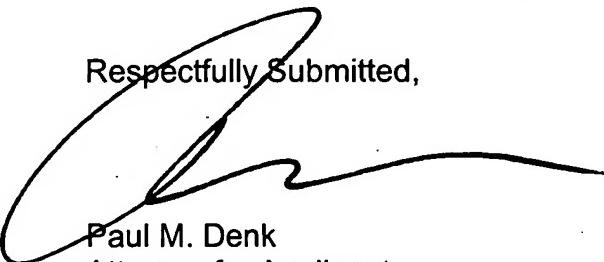
Though Sieben et al.'s 4,854,076 patent and Morsch's 6,053,348 patent disclose a remote controlled lockable cover with an underside seal, the '076 and '348 patents lack two or more latch members, or locking members and locking flanges mounted to the side wall radially and symmetrically, and located radially and symmetrically upon the cover and opposite the cover's axis of rotation. Hence it is submitted that these claims that define two radially located locking members and locking flanges that provide a cover secured to a tank at three points independent of seal inflation, is just not really shown in the prior art, in the manner as described and claimed in this current application.

In view of the foregoing amendments and remarks, it is submitted that the claims of this application so amended define patentable subject matter over the prior art as cited by the examiner, whether the prior art be applied individually, or

in combination, for use for either anticipating or rendering obvious the claimed subject matter of the applicant's invention. As previously discussed, there is nothing in Sieben et al to suggest two radially located latch means 34 and nothing in Morsch to suggest active clamps 16 independent of an inflatable seal 22. Thus, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching suggestion, or incentive, supporting that combination. See the case of *In re Geiger*, 815 F.2d. 686 (Fed. Cir. 1987).

All of the claims now active in this application are believed to be in condition for allowance. Favorable action by the examiner is respectfully requested.

Respectfully Submitted,



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